IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12248 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 NO

THE GENERAL MANAGER

Versus

THE PRESIDENT

Appearance:

1. Special Civil Application No. 12248 of 2001

MR DG CHAUHAN with MR DEEPAK V PATEL for Petitioner

MR TR MISHRA for Respondent No. 1

..... for Respondent No. 2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 08/05/2002

ORAL JUDGEMENT

1. RULE. The learned counsel for the respondent waives service.

2. After hearing the arguments of the learned counsel for the petitioner and Mr.Mishra who appeared on caveat for the respondent, there was consensus that the order impugned in this petition, i.e. the order below application at Exh.46 in Reference (IC) No.3 of 1998 pending before the Industrial Court, Vadodara, is an interim order and the review preferred therefrom has been rejected, which order is also under challenge.

3. Without prejudice to the rights and contentions of the parties and having regard to the fact that the impugned order is an interim order and the parties have agreed to cooperate for final disposal of the main reference at the earliest and since the directions in the impugned order were practically final orders, it was agreed that the impugned order may be set aside and substituted with the direction that only the decision to withhold the annual increments of the workman concerned, namely, Vinodbhai M. Patel, shall be set aside and the petitioner shall release the annual increments which had been withheld by the order dated 27.10.1999. It shall, however, be open for the petitioner to take appropriate punitive action against Shri Vinodbhai M.Patel for his alleged misconduct in accordance with law and after giving him proper opportunity of being heard. It was also agreed regarding direction No.4 in the impugned award that Shri Chirag V.Patel shall remain at the place of his transfer, i.e. at Chhotaudepur, during the pendency of the reference and no amount, by way of costs, shall be payable to him.

4. It was also agreed and, therefore, it is directed that the parties shall cooperate in early disposal of the main reference, shall not seek any unnecessary adjournment and strive to conclude the hearing as early as possible and preferably by 30.9.2002. The Industrial Court, Vadodara shall give due priority to this case and, as far as may be, dispose the case on merits preferably by 30.9.2002. If, by any chance and for any reason, the proceedings are not concluded by 30.9.2002, the parties shall have liberty to apply to the Industrial Court for appropriate interim relief. The learned counsel for the respondent agreed that BIR Complaint No.1 of 2001 has become infructuous and shall be withdrawn.

5. Accordingly, the impugned order stands substituted by the above directions and the petition is allowed to that extent. Rule is made absolute with no order as to costs.

Sd/-

(D.H.Waghela, J.)

08.5.2002

(KMG Thilake)